IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 12120 of 2007()

PETITIONER:

---

1. MOHAMMED SHINE, S/O.ABDUL KAREEM, ERAMANGALATH HOUSE, METHALA, KODUNGALLUR.

2. P.S.SHANAVAS, S/O.SULAIMAN, PANDATHIL HOUSE, MANJALI, MANNAM, PARAVUR.

3. SUDHEER, S/O.IBRAHIM, KANJIRA PARAMBIL HOUSE, PARAVUR TALUK.

4. MOIDEEN SHAH, S/O.ABDUL KAREEM, ERAMANGALATH HOUSE, METHALA, KODUNGALLUR.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

---

1. DISTRICT COLLECTOR, ERNAKULAM.

2. SUB INSPECTOR OF POLICE, NORTH PARAVUR.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.12120 of 2007

Dated this the 9th day of April, 2007

JUDGMENT

The vehicles belonging to the petitioners were seized by the second respondent on 30.3.2007 on an allegation of transportation of river sand illegally. Penalty of Rs.20,000/= each were imposed on the petitioners by the first respondent which the petitioners remitted. In spite of the same, the second respondent is not releasing the vehicles, which is the complaint raised by the petitioners in this writ petition. According to them, the second respondent insisted on surrendering of the RC Books of the vehicles as condition for release of the vehicle.

2. I have heard the learned counsel for the petitioners as also the Government Pleader for the respondents.

3. I am of opinion that there is no power vested with the second respondent to insist on surrendering of the RC Books of the vehicles when the appropriate authority has ordered release of the vehicles. In the above circumstances, I direct the second

respondent to release the vehicles, on the petitioners producing orders of the first respondent directing release of the vehicles and also on production of proof of ownership of the vehicles.

S.SIRI JAGAN, JUDGE

CSS

s